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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,559	07/21/2000	Hiromichi Ishida	A235	4599

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/621,559

Applicant(s)

ISHIDA, HIROMICHI

Examiner

Willie J. Daniel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 13-35 and 40-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-35 and 40-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 03 April 2007. **Claims 1-8, 13-35, and 40-63** are now pending in the present application and **claims 9-12 and 36-39** are canceled. This office action is made **Final**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 13-35, and 40-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Boltz (US 6,131,024)** in view of **Norihisa et al.** (hereinafter Norihisa) (**JP 05-284255** - JPO translation).

Regarding **claims 1 and 28**, Boltz discloses an information terminal (300 MS) having a function of making a call (see Fig. 3), comprising:

a communicator (inherent) making communication with a calling or called party (see col. 1, lines 36-40);

a memory storing at least one exception code (see col. 2, lines 52-61; col. 3, lines 41-53);
and

a main control unit (inherent), said main control unit determining an item to be monitored, judging whether said item meets with a predetermined condition for prohibiting making a call, judging whether a code of a calling or called party is coincident with said

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exception code, and prohibiting making a call, if said predetermined condition is satisfied, and if said code of a calling or called party is not coincident with said exception code (see abstract; col. 2, line 52 - col. 3, line 4; col. 3, line 41 - col. 4, line 9; col. 4, line 29 - col. 5, line 4; Fig. 2). Norihisa does not specifically disclose having the feature a main control unit (inherent), said main control unit determining an item to be monitored, judging whether said item meets with a predetermined condition for prohibiting making a call, judging whether a code of a calling or called party is coincident with said exception code, and prohibiting making a call, if said predetermined condition is satisfied, and if said code of a calling or called party is not coincident with said exception code. However, the examiner maintains that the feature a main control unit (inherent), said main control unit determining an item to be monitored, judging whether said item meets with a predetermined condition for prohibiting making a call, judging whether a code of a calling or called party is coincident with said exception code, and prohibiting making a call, if said predetermined condition is satisfied, and if said code of a calling or called party is not coincident with said exception code was well known in the art, as taught by Norihisa.

In the same field of endeavor, Norihisa discloses the feature said main control unit (controlling sections 7-11) determining an item to be monitored, judging whether said item meets with a predetermined condition for prohibiting making a call, judging whether a code of a calling or called party is coincident with said exception code, and prohibiting making a call, if said predetermined condition is satisfied, and if said code of a calling or called party is not coincident with said exception code (see abstract; paragraph [0005-0010]; Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Boltz and Norihisa to have the feature said main control unit determining an item to be monitored, judging whether said item meets with a predetermined condition for prohibiting making a call, judging whether a code of a calling or called party is coincident with said exception code, and prohibiting making a call, if said predetermined condition is satisfied, and if said code of a calling or called party is not coincident with said exception code, in order to control communications at the subscriber equipment level, as taught by Norihisa.

Regarding **claims 2 and 29**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 1), in addition Boltz further discloses the information terminal as set forth in claim 1, wherein said main control unit allows a desired exception code to be stored in said memory (see col. 2, lines 52-61).

Regarding **claims 3 and 30**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 1), in addition Boltz further discloses the information terminal as set forth in claim 1, wherein said main control unit judges whether a clear condition is satisfied, and resets said item, if said clear condition is satisfied (see col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 4 and 31**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 3), in addition Boltz further discloses the information terminal as set forth in claim 3, further comprising a controller for designating said clear condition (see col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 5 and 32**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 1), in addition Boltz further discloses the information terminal as set forth in claim 1, wherein said main control unit determines a fee index corresponding to a communication fee, as said item, judges whether said fee index is greater than (e.g., exceeds) a predetermined upper limit of a fee index, and judges that said predetermined condition for prohibiting making a call is satisfied, if said fee index is greater than said predetermined upper limit of a fee index (see col. 3, lines 41-67; Fig. 2 'ref. 230').

Regarding **claims 6 and 33**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 5), in addition Boltz further discloses the information terminal as set forth in claim 5, wherein said main control unit calculates said fee index, based on an index signal transmitted during communication (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 7 and 34**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 3), in addition Boltz further discloses the information terminal as set forth in claim 3, wherein said clear condition comprises the present date reaching a predetermined date (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 8 and 35**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 3), in addition Boltz further discloses the information terminal as set forth in claim 3, wherein said clear condition comprises a predetermined data being transmitted during communication (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 13 and 40**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above, in addition Boltz further discloses an information terminal having a function of making a call, said information terminal prohibiting making a call when a total communication fee is greater than a threshold upper limit, but allowing making a call to a party or parties having been set in advance as an exception or exceptions even when a total communication fee is greater than a threshold upper limit (see col. 3, lines 41-67; Fig. 2 'ref. 230').

Regarding **claims 14 and 41**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 13), in addition Boltz further discloses the information terminal as set forth in claim 13, wherein said total communication fee is automatically reset when a predetermined clear condition is satisfied (see col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 15 and 42**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 14), in addition Boltz further discloses the information terminal as set forth in claim 14, wherein said predetermined clear condition comprises the present date reaching a predetermined date (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 16 and 43**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 14), in addition Boltz further discloses the information terminal as set forth in claim 14, wherein said predetermined clear condition comprises said information terminal receiving predetermined data during communication (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 17 and 44**, Boltz discloses a method of making communication by an information terminal (300 MS) having a function of making a call (see Fig. 3), comprising:

setting at least one exception code (see col. 1, lines 36-40; col. 2, lines 52-61; col. 3, lines 41-53);

determining an item to be monitored (see abstract; col. 2, line 52 - col. 3, line 4; col. 3, line 41 - col. 4, line 9; col. 4, line 29 - col. 5, line 4; Fig. 2);

using the information terminal to judge whether said item meets with a predetermined condition for prohibiting making a call (see abstract; col. 2, line 52 - col. 3, line 4; col. 3, line 41 - col. 4, line 9; col. 4, line 29 - col. 5, line 4; Fig. 2);

using the information terminal to judge whether a code of a calling or called party is coincident with said exception code (see abstract; col. 2, line 52 - col. 3, line 4; col. 3, line 41 - col. 4, line 9; col. 4, line 29 - col. 5, line 4; Fig. 2); and

using the information terminal to prohibit making a call from the information terminal, if said predetermined condition is satisfied, and if said code of a calling or called party is not coincident with said exception code (see abstract; col. 2, line 52 - col. 3, line 4; col. 3, line 41 - col. 4, line 9; col. 4, line 29 - col. 5, line 4; Fig. 2). Norihisa does not specifically disclose having the features using the information terminal to judge whether said item meets with a predetermined condition for prohibiting making a call; using the information terminal to judge whether a code of a calling or called party is coincident with said exception code; and using the information terminal to prohibit making a call from the information terminal, if said predetermined condition is satisfied, and if said code of a calling or called party is not

coincident with said exception code. However, the examiner maintains that the features using the information terminal to judge whether said item meets with a predetermined condition for prohibiting making a call; using the information terminal to judge whether a code of a calling or called party is coincident with said exception code; and using the information terminal to prohibit making a call from the information terminal, if said predetermined condition is satisfied, and if said code of a calling or called party is not coincident with said exception code was well known in the art, as taught by Norihisa.

Norihisa further discloses the features using the information terminal to judge whether said item meets with a predetermined condition for prohibiting making a call; using the information terminal to judge whether a code of a calling or called party is coincident with said exception code; and using the information terminal to prohibit making a call from the information terminal, if said predetermined condition is satisfied, and if said code of a calling or called party is not coincident with said exception code (see abstract; paragraph [0005-0010]; Fig. 1), where the terminal has controlling sections (7-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Boltz and Norihisa to have the features using the information terminal to judge whether said item meets with a predetermined condition for prohibiting making a call; using the information terminal to judge whether a code of a calling or called party is coincident with said exception code; and using the information terminal to prohibit making a call from the information terminal, if said predetermined condition is satisfied, and if said code of a calling or called party is not

coincident with said exception code, in order to control communications at the subscriber equipment level, as taught by Norihisa.

Regarding **claims 18 and 45**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 17), in addition Boltz further discloses the method as set forth in claim 17, further comprising: judging whether a clear condition is satisfied or not; and resetting said item, if said clear condition is satisfied (see col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 19 and 46**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 17), in addition Boltz further discloses the method as set forth in claim 17, further comprising determining a fee index corresponding to a communication fee, as said item (see col. 3, lines 41-67; Fig. 2 'ref. 230').

Regarding **claims 20 and 47**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 19), in addition Boltz further discloses the method as set forth in claim 19, further comprising: judging whether said fee index is greater than a predetermined upper limit of a fee index; and carrying out said using information terminal to judge whether said item meets with a predetermined condition for prohibiting making a call, if said fee index greater than said predetermined upper limit of a fee index (see col. 3, lines 41-67; Fig. 2 'ref. 230').

Regarding **claims 21 and 48**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 19), in addition Boltz further discloses the method as set forth in claim 19, further comprising calculating said fee index, based on an

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index signal transmitted during communication (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 22 and 49**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 18), in addition Boltz further discloses the method as set forth in claim 18, wherein said clear condition comprising the present date reaching a predetermined date (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 23 and 50**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 18), in addition Boltz further discloses the method as set forth in claim 18, wherein said clear condition that comprises a predetermined data being transmitted during communication (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 24 and 51**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above, in addition Boltz further discloses a method of making communication by an information terminal having a function of making a call, comprising: using the information terminal to judge whether a total communication fee is greater than a threshold upper limit; and using the information terminal to prohibit making a call from the information terminal when said total communication fee is greater than said threshold upper limit, and allow making a call to a party or parties having been set in advance as an exception or exceptions even when said total communication fee is greater than said threshold upper limit (see col. 3, lines 41-67; Fig. 2 'ref. 230').

Regarding **claims 25 and 52**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 24), in addition Boltz further discloses the method as set forth in claim 24, further comprising: resetting said total communication fee when a predetermined clear condition is satisfied (see col. 3, lines 41-67).

Regarding **claims 26 and 53**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 25), in addition Boltz further discloses the method as set forth in claim 25, wherein said predetermined clear condition comprises the present date reaching a predetermined date (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 27 and 54**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 25), in addition Boltz further discloses the method as set forth in claim 25, wherein said predetermined clear condition comprises the present date reaching a predetermined date (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Regarding **claims 55-62**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claims 1, 13, 17, 24, 28, 40, 44, and 51), in addition Boltz further discloses the method as set forth in claims 1, 13, 17, 24, 28, 40, 44, and 51, wherein the information terminal comprises a mobile communication device (see col. 2, lines 52-61; col. 3, lines 41-67; col. 4, line 59 - col. 6, line 4).

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Boltz (US 6,131,024)** in view of **Norihisa et al.** (hereinafter Norihisa) (**JP 05-284255** - JPO translation) as applied to claim 1 above, and further in view of **Raith (US 6,493,547 B1)**.

Regarding **claim 63**, the combination of Boltz and Norihisa discloses every limitation claimed, as applied above (see claim 25), in addition Boltz further discloses the feature rate data to determine a communication fee (see abstract; col. 2, lines 52-61; col. 3, lines 33-40; Fig. 2). As further support, Norishisa discloses rate data to determine a communication fee (see paragraph [0006-0008]), where the terminal (e.g., control section 7-10) has a tariff limit for phone-call charges. The combination of Boltz and Norihisa does not specifically disclose having the feature wherein said main control unit receives rate data from a base station to determine a communication fee. However, the examiner maintains that the feature wherein said main control unit receives rate data from a base station to determine a communication fee was well known in the art, as taught by Raith.

In the same field of endeavor, Raith discloses the feature wherein said main control unit receives rate data from a base station (e.g., system) to determine a communication fee (see col. 10, lines 14-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Boltz, Norihisa, and Raith to have the feature wherein said main control unit receives rate data from a base station to determine a communication fee, in order to provide wireless communications apparatus and methods that can improve a subscriber's ability to monitor and control communications costs, as taught by Raith (see col. 3, lines 64-67).

Response to Arguments

3. Applicant's arguments with respect to claims 1-8, 13-35, and 40-63 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language, new limitations, and/or new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Harris et al. (US 6,442,406 B1) discloses an airtime usage limiting system.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

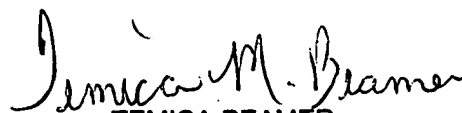
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR
08 June 2007


TEMICA BEAMER
PRIMARY EXAMINER